



IAP12 Rec'd PCT/PTO 14 MAY 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MARISSEN et al

Atty. Ref.: **4662-210**

Serial No. **10/586,972**

Group: **Unassignend**

Filed: **September 8, 2006**

Examiner: **Unassigned**

For: **FIXING DEVICE FOR CLAMPING THE ENDS OF A SURGICAL
CABLE USED FOR FIXING BONE PARTS**

* * * * *

May 14, 2007

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS

Sir:

The following comments and attachments are intended to be fully responsive to the Notice dated April 13, 2007 in connection with the subject application. Specifically, the Notice asserts that a discrepancy exists between the inventors' Declaration filed in the subject application and the International Application (IA) published as WO 2005/074827 in that inventor Marissen's first name is spelled differently, i.e., "Roelof" in the former and "Reolof" in the latter. As will become evident from the discussion below, the Declaration as filed in this application fully complies with 37 CFR §§1.66 and 1.68 and thus should be accepted under 37 CFR §§1.497(a) and (b).

Applicant notes in this regard that the misspelling of inventor Marissen's first name was the result of an apparent printing error on the part of WIPO and was **not** based on incorrect information provided when the IA was filed. Specifically, there is attached hereto as Exhibit A a true and accurate copy of the first page of the PCT Request as filed by the Applicant in which inventor Marissen's first name was correctly spelled as "**Roelof**". This correct spelling of inventor Marissen's first name is the same as that employed in the Declaration of the subject application.

Accordingly, in view of the remarks and attachments submitted herewith, it is suggested that no discrepancy in fact exists between the IA and the Declaration as filed in the subject application with respect to the spelling of inventor Marissen's first name. Specifically, inventor Marissen's first name as submitted to WIPO via the PCT Request and as submitted with the Declaration in the subject application are both correct. Any discrepancy that exists therefore is attributable to a publication error by WIPO over which the applicant has no control.

Withdrawal of the Notice and acceptance of the Declaration as of the date filed in the subject application are therefore solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,972	Reolog Marissen	4662-210 BHD

INTERNATIONAL APPLICATION NO.

PCT/EP05/00936

I.A. FILING DATE	PRIORITY DATE
01/27/2005	01/30/2004

23117
 NIXON & VANDERHYE, PC
 901 NORTH GLEBE ROAD, 11TH FLOOR
 ARLINGTON, VA 22203

CONFIRMATION NO. 9943

371 FORMALITIES LETTER



OC000000023371640

Date Mailed: 04/13/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/25/2006
- Copy of the International Search Report filed on 07/25/2006
- Preliminary Amendments filed on 07/25/2006
- Information Disclosure Statements filed on 07/25/2006
- Oath or Declaration filed on 09/08/2006
- Request for Immediate Examination filed on 07/25/2006
- U.S. Basic National Fees filed on 07/25/2006
- Assignment filed on 09/08/2006
- Priority Documents filed on 07/25/2006
- Specification filed on 07/25/2006
- Claims filed on 07/25/2006
- Abstracts filed on 07/25/2006
- Drawings filed on 07/25/2006

DOCKETED
 CLT/MATTER # 4662-210
 MAIL DATE 4/13/2007
 DUE DATE JUNE 13, 2007
 FINAL DEADLINE NOV. 13, 2007
 DOCKETED BY LWA no

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - The first inventor's first name is spelled differently on the declaration from what is on the published application.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,972	PCT/EP05/00936	4662-210

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty

For Receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference (if desired) (12 characters maximum)

24166WO

Box No. I TITLE OF INVENTION
FIXING DEVICE

Box No. II APPLICANT

☐ This person is also inventor

Name and address: (Family name followed by given name; for a legal entity, full official designation)
The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

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Teleprinter No.

Applicant's registration No. with the Office

State (that is, country) of nationality: NL

State (that is, country) of residence: NL

This person is applicant for the purposes of:

☐

All designated States

☒

all designated States except the United States of America

☐

the United States of America only

☐

the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation)
The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

MARISSSEN, Roelof
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This person is:

☐ applicant only

☒ applicant and inventor

☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality: NL

State (that is, country) of residence: NL

This person is applicant for the purposes of:

☐

All designated States

☐

all designated States except the United States of America

☒

the United States of America only

☐

the States indicated in the Supplemental Box

☒ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

☒

agent

☐

common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation)
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